

## **Remarks**

All pending claims 30 - 54 and 56 – 63 presently stand rejected. Claims 30, 46, 53, 54, 58, and 59 are amended herein. Claim 39 is canceled. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

### **Claim Rejections – 35 U.S.C. § 112**

Claim 54 was rejected under § 112, as being indefinite for failing to point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner objected to “other suitable cable delivery system” in claim 54. Accordingly, claim 54 has been amended to recite “a satellite delivery and transportation system.” Accordingly, Applicants respectfully requests that the instant § 112 rejection be withdrawn.

### **Claim Rejections – 35 U.S.C. § 103**

Claims 30 – 54 and 56 - 63 were rejected under § 103(a) over various combinations of U.S. Patent No. 5, 729, 281 to Utsumi et al. (“Utsumi”), U.S. Patent No. 7,146,628 to Gordon et al. (“Gordon”) U.S. Patent Application No. 2002/0019984 to Rakib et al. (“Rakib”), U.S. Patent No. 6,188,871 to Kitamura et al. (“Kitamura”), U.S. Patent No, 5,699,105 to Chen et al. (“Chen”), DOCSIS Cable Modem Technology,” IEEE Communications Magazine, by Fellows (“Fellows”), U.S. Patent Application No. 2002/0073431 to Nikolich, U.S. Patent No. 6,848,116 to Land, and U.S. Patent No, 5,600,364 to Hendricks et al. (“Hendricks”).

In particular, claims 30 – 39, 41 – 44, 46, 49 – 54 and 57 were rejected over Utsumi and Gordon. Claim 40 was rejected over Utsumi in view of Gordon in further view of Kitamura. Claim 45 was rejected over Utsumi in view of Gordon, and further in view of Chen, and further in view of Fellows. Claims 47 and 48 were rejected over Utsumi in view of Gordon, further in view of Nikolich, and further in view of Land. Claim 56 was rejected over Utsumi, in view of Gordon, as applied to claim 53, and further in view of Kitamura. Claim 58 was rejected over Gordon in view of Rakib, further in view of Land. Claims 59 and 60 were rejected over Gordon, in view of Rakib further in view of Land, as applied to claim 58, further in view of Nikolich. Claims 61 and 63 were rejected over Gordon in view of Rakib further in view of Land further in view of Hendricks. Finally, claim 62 was rejected

over Gordon in view of Rakib further in view of Land further in view of Chen. Applicants respectfully traverse the rejections.

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. All words in a claim must be considered in judging the patentability of that claim against the prior art.” M.P.E.P. § 2143.03.

Amended claim 30 recites in pertinent part, “receiving, at a neighborhood headend a first input signal from a cable distribution center and a second input signal from a satellite cable antenna;” and “multiplexing, by the neighborhood headend, one or more of a plurality of video channels received in the first input signal from the cable distribution center and second input signal from the satellite cable antenna...” Applicants respectfully submit that the combination of Gordon and Utsumi fails to teach or suggest receiving a signal from each of a cable distribution center and a satellite cable antenna and multiplexing one or more of a plurality of video channels received in the signal from the cable distribution signal and the signal from the satellite cable antenna.

In item 6 of the Office Action, the Examiner has cited Fig. 1, Col. 3, lines 59 – 67 and col. 17, line 59 – col. 18, line 5, of Gordon for teaching receiving one or more signals from a cable distribution center. Therefore it appears that the Examiner has cited local neighborhood equipment (LNE) 12 of Figure 11 as corresponding to the neighborhood headend. Gordon is directed to messaging protocol for an interactive delivery system and teaches the delivery of interactive program guide (IPG) pages by delivering selected regions or portions of an IPG page to a customer terminal (col. 1, lines 55 – 67). The function of LNE 12 is to manage delivery of an IPG by allocating the necessary bandwidth to broadcast the necessary IPG pages as well as eliminating broadcast of redundant IPG pages, or portions thereof. As can be readily seen from Figure 11, the LNE receives signals only from head-end 1002. There is no teaching or suggestion that the neighborhood headend receive “a first input signal from a cable distribution center and a second input signal from a satellite cable antenna;” nor that it multiplex “one or more of a plurality of video channels received in the first input signal from the cable distribution center and the second input signal from the satellite cable antenna...”

Nor does Utsumi teach “receiving, at a neighborhood headend a first input signal from a cable distribution center and a second input signal from a satellite cable antenna;” and “multiplexing, by the neighborhood headend, one or more of a plurality of video channels received in the first input signal from the cable distribution center and the second input signal from the satellite cable antenna...” Consequently, the combination of Utsumi and Gordon fail to teach or suggest all elements of claim 30 as required under M.P.E.P. § 2143.03.

Claim 30 is patentable over the combination of Utsumi and Gordon for at least another independent reason. Amended claim 30 recites receiving at the local service module a channel selection request from a room interface unit “upstream via cabling coupled to the local service module.” Utsumi, however, specifically teaches that selective distribution station 10 receives channel requests as up-signals transmitted wirelessly in a radio transmission system from the subscribers’ transmitting devices. (Abstract, lines 8 – 14, Fig 1, col. 6). It is well known that it is improper to combine references where the references teach away from their combination. In re Grasselli, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983); MPEP 2145. Utsumi extensively describes the disadvantages of using transmission lines for up-signals (col. 1, lines 35 – col., 2, line 23). Accordingly, Utsumi does not teach, and in fact, teaches away from the transmission of a channel selection request “upstream via cabling coupled to the local service module;” Therefore, the combination of Utsumi and Gordon in the rejection of amended claim 30 is improper.

Accordingly, Applicants respectfully request that the instant §103(a) rejection of claim 30 be withdrawn. Independent claims 46 and 53 include at least one or more similar or same nonobvious elements as independent claim 30. Accordingly, Applicants request that the instant §103(a) rejections of claims 46 and 53 be withdrawn. Dependent claim 39 has been canceled, therefore the rejection is moot. Dependent claims 31 – 38, 40 - 45, 47 – 52, 54 and 56 - 57 depend from claims 30, 43, or 53 and are patentable over the art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further recitations of their own. Accordingly, Applicants respectfully request that the instant § 103 rejections of the claims 31 – 38, 40 - 45, 47 – 52, 54 and 56 - 57 be withdrawn.

Independent claim 58 was rejected under § 103 over Gordon in view of Land and further in view of Rakib.

Amended claim 58 recites in pertinent part, a neighborhood headend including

“receiver/decoder means for receiving a satellite dish  
signal from a satellite dish antenna and for decoding and  
outputting in response, a first signal;

receiver/decoder means for receiving a cable  
television signal from a cable distribution center and for  
decoding and outputting in response, a second signal;”

Gordon fails to teach “receiver/decoder means in a neighborhood headend for receiving a satellite dish signal...and outputting in response, a first signal,” and “receiver/decoder means for receiving a cable television signal..and outputting in response, a second signal.”

Rakib and Land also fail to teach “receiver/decoder means in a neighborhood headend for receiving a satellite dish signal...and outputting in response, a first signal,” and “receiver/decoder means for receiving a cable television signal..and outputting in response, a second signal.”

Consequently, the combination of Gordon, Rakib, and Land fail to teach or suggest all elements of claim 58 as required under M.P.E.P. § 2143.03. Therefore, Applicants respectfully request the withdrawal of the instant § 103 rejections of claim 58. Dependent claims 59 - 63 depend from claim 58 and are patentable over the art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further recitations of their own. Accordingly, Applicants respectfully request that the instant § 103 rejections of the claims 59 - 63 be withdrawn.

## **Conclusion**

All pending claims are in a condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-

1561. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,  
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